

HOUSE BILL No. 1851

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-8.1-4.

Synopsis: Parental consent for child to work. Provides that the parents of a child who has withdrawn from school to work may revoke their consent to employment and withdrawal of the child from school. Provides that upon withdrawal of parental consent, the child must return to school. Provides that a child's parent (or parents in the case of a child whose parents have joint custody after a divorce or dissolution of marriage decree) must consent in writing in order for the child to receive an employment certificate. Requires the issuing officer to send a copy of the employment certificate to the parents. Requires the employer to notify the issuing officer and the parents if the child's employment terminates. Requires the department of labor or the Indiana state board of education to notify the issuing officer, the child's parents, and the child's employer when the certificate is revoked. Requires parental consent for a child to appeal the denial of an

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Effective: July 1, 1999.

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January 26, 1999, read first time and referred to Committee on Labor and Employment.



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Digest Continued

employment certificate. Provides that if the parents of a child request the issuing officer to revoke a child's employment certificate, the issuing officer must revoke the certificate.

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First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1851

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-8.1-4-0.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 1999]: **Sec. 0.5. As used in this chapter,**
4 **"parental consent" means the written consent of:**

- 5 (1) **a child's parent (as defined in IC 20-8.1-1-3); or**
6 (2) **in the case of a child whose parents have joint custody of**
7 **the child under IC 31-9-2-67, both parents of the child.**

8 SECTION 2. IC 20-8.1-4-3 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) Any child who is
10 fourteen (14) years of age or older and less than sixteen (16) years of
11 age may withdraw from school if:

- 12 (1) ~~he~~ **the child** is issued a lawful employment certificate by the
13 bureau of child labor; and
14 (2) a joint agreement ~~was~~ **is** reached by the issuing officer and the
15 parent or guardian concerning employment of the child, **and the**
16 **issuing officer obtains parental consent to the employment**
17 **and withdrawal.**



The issuing officer shall notify the employer in writing that the child has been permitted to withdraw from school and is not in violation of the compulsory attendance laws (IC 20-8.1-3).

(b) Any child who withdraws from school under this chapter shall return to school within five (5) days after termination of the employment for which the certificate was issued **or within five (5) days after revocation of parental consent to the employment or withdrawal from school.**

SECTION 3. IC 20-8.1-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) ~~Documents Required Prior to Issuance of Certificate.~~ An issuing officer may issue a certificate only to a child whose employment is necessary and only after receipt of the following ~~two (2)~~ **three (3)** documents:

(1) Proof of age as prescribed under section 8 of this chapter.

(2) Proof of prospective employment as prescribed under section 11 of this chapter.

(3) Proof of parental consent to the child's employment.

(b) A child seeking an employment certificate from a school the child does not attend must also present to the issuing officer a written statement that:

(1) is from the school the child does attend; and

(2) attests to the child's acceptable academic performance and attendance.

SECTION 4. IC 20-8.1-4-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 11. ~~Proof of Prospective Employment.~~ (a) As proof of prospective employment, the issuing officer shall require a written statement signed by the person for whom the child is to work, setting forth the nature of work which the child is to perform. **The prospective employer shall provide a copy of the proof of prospective employment to the child's parent, or in the case of a child whose parents have joint custody under IC 31-9-2-67, to both parents of the child.**

(b) When a child's employment terminates, the employer shall immediately notify the issuing officer **and the child's parent, or both parents in the case of a child whose parents have joint legal custody under IC 31-9-2-67,** in writing of the termination and the date on which it occurred. This notice shall be on a blank form attached to the child's employment certificate.

(c) It is unlawful for an issuing officer to issue a subsequent certificate until ~~he~~ **the issuing officer** has:

(1) received a termination notice from the current employer or ~~(2)~~ otherwise determined that the child's employment has terminated;



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(2) notified the child's parent or, in the case of a child whose parents have joint legal custody under IC 31-9-2-67, both parents, of the termination; and

(3) obtained parental consent to the subsequent certificate.

(d) An employment certificate may be used at not more than two (2) locations within the same enterprise if the enterprise complies with the hour restrictions prescribed in section 20 of this chapter.

SECTION 5. IC 20-8.1-4-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 12. (a) Upon presentation of the documents required by section 7 of this chapter, an employment certificate shall be issued immediately to the child **and a copy shall be sent immediately to the child's parent, or in the case of a child whose parents have joint legal custody under IC 31-9-2-67, to both parents of the child.** However, an issuing officer may deny a certificate to a child:

(1) whose attendance is not in good standing; ~~or~~

(2) whose academic performance does not meet the school corporation's standard; ~~or~~

(3) who has failed to provide proof of parental consent in the manner requested by the issuing officer, including the presence of the child's parent or parents as provided in section 15 of this chapter.

(b) Within five (5) days, the issuing officer shall send a copy of the employment certificate to the department of labor. The issuing officer shall keep a record in ~~his~~ **the issuing officer's** office of each employment certificate issued.

(c) **With parental consent**, a student may appeal the denial of a certificate under subsection (a) to the school principal.

SECTION 6. IC 20-8.1-4-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 13. (a) The **Indiana** state board of education or the department of labor may revoke an employment certificate at any time if, in the judgment of either, the certificate was improperly issued or if either has knowledge that the child involved is or was illegally employed. In order to determine when a child is illegally employed, the **Indiana** state board of education and the department of labor and their agents are authorized to investigate the true age of any minor who is employed, to subpoena witnesses, to hear evidence, and to require the production of relevant books or documents.

(b) When an employment certificate is revoked under this section, the issuing officer, **the child's parent, or in the case of a child whose parents have joint legal custody under IC 31-9-2-67, both parents**



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1 **of the child**, and the child's employer shall be notified in writing. This
 2 notice may be delivered in person or by registered mail. Immediately
 3 after receiving notice of revocation, the employer shall return the
 4 certificate to the issuing officer. A child whose employment certificate
 5 has been revoked may not be employed or permitted to work until ~~he~~
 6 **the child** has legally obtained a new certificate.

7 SECTION 7. IC 20-8.1-4-15 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 15. ~~Employment~~
 9 ~~Certificate; Contents.~~ (a) Each employment certificate shall set forth
 10 the full name and the date and place of birth of the child, the name and
 11 address of the child's parents, **including the names and addresses of**
 12 **both parents of a child whose parents have joint legal custody**
 13 **under IC 31-9-2-67**, the name and address of the employer, and the
 14 nature of the work which the child is to perform. It shall certify that the
 15 child has appeared before the issuing officer and that ~~he~~ **the child** has
 16 submitted the proof of age and prospective employment **and written**
 17 **parental consent** as required under this chapter. The issuing officer
 18 may require the presence of the child's parents, **including both parents**
 19 **of a child whose parents have joint legal custody under**
 20 **IC 31-9-2-67**, before issuing the certificate.

21 (b) **The issuing officer shall send a copy of the employment**
 22 **certificate to:**

23 (1) **the child's parent; or**

24 (2) **in the case of a child whose parents have joint legal**
 25 **custody under IC 31-9-2-67, both parents of the child.**

26 SECTION 8. IC 20-8.1-4-19 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 19. (a) If any child fails
 28 to submit to a medical examination as may be required under section
 29 18 of this chapter, or if, on examination, the medical inspector finds
 30 ~~him~~ **the child** to be physically unfit to be employed in the work in
 31 which ~~he~~ **the child** is engaged and files a report to that effect, the
 32 department of labor shall revoke the child's employment certificate.

33 (b) Written notice of a revocation under this section shall be served
 34 on the issuing officer, **the child's parent, or in the case of a child**
 35 **whose parents have joint legal custody under IC 31-9-2-67, both**
 36 **parents of the child**, and the child's employer. Notice shall be served
 37 in person or by registered mail. Immediately after receiving notice of
 38 a revocation under this section, the employer shall deliver the revoked
 39 certificate to the department of labor. A child whose certificate has
 40 been revoked under this section may obtain a new certificate if ~~he~~ **the**
 41 **child** is found, after physical examination, to be physically fit for the
 42 new occupation in which ~~he~~ **the child** proposes to engage.



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(c) A report of physical unfitness submitted under this section shall be kept on file in the office of the department of labor.

SECTION 9. IC 20-8.1-4-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 20. (a) This section applies only to occupations for which a child who is fourteen (14) years of age or older and less than eighteen (18) years of age must obtain an employment certificate under this chapter.

(b) The following apply only to a child who is fourteen (14) years of age or older and less than sixteen (16) years of age:

(1) The child may not work before 7:00 a.m. or after 7:00 p.m. However, the child may work until 9:00 p.m. from June 1 through Labor Day.

(2) The child may not work:

- (A) more than three (3) hours on a school day;
- (B) more than eighteen (18) hours in a school week;
- (C) more than eight (8) hours on a nonschool day; or
- (D) more than forty (40) hours in a nonschool week.

(c) A child who is at least sixteen (16) years of age and less than eighteen (18) years of age may not work:

- (1) for more than eight (8) hours in any one (1) day;
- (2) for more than forty (40) hours in any one (1) week;
- (3) for more than six (6) days in any one (1) week; or
- (4) before 6:00 a.m.

(d) A child who is at least sixteen (16) years of age and less than seventeen (17) years of age may work until 10:00 p.m. on nights that are followed by a school day in any occupation except those which the commissioner of labor determines to be dangerous to life or limb or injurious to health or morals.

(e) An employer may employ a child who is at least sixteen (16) years of age and less than seventeen (17) years of age to work until midnight if:

- (1) the work will be performed:
 - (A) while schools are closed for summer vacation; or
 - (B) on days that are not followed by a school day; and
- (2) the employer has:
 - (A) obtained ~~written permission from a child's parent;~~ **parental consent to the work schedule;** and
 - (B) placed the ~~written permission~~ **parental consent to the work schedule** on file in the employer's office.

(f) If an employer has obtained ~~written permission~~ **the parental consent** required under subsection (e), the employer may employ a child who is at least sixteen (16) years of age but less than eighteen



(18) years of age for periods that do not exceed a total of nine (9) hours in any one (1) day and a total of forty-eight (48) hours in any one (1) week during summer vacation from school.

(g) A child who is:

(1) seventeen (17) years of age or older but less than eighteen (18) years of age; and

(2) a student in grades 9 through 12;

may work until 11:30 p.m. on nights that are followed by a school day. A child covered by this subsection may work later than 11:30 p.m. on nights followed by a school day if the employer has obtained ~~written permission from the child's parent~~ **parental consent to the work schedule** and placed the ~~permission~~ **parental consent** on file in the employer's office. However, the nights followed by a school day on which a child works later than 11:30 p.m. may not be consecutive and may not exceed two (2) nights per week.

(h) Children who are sixteen (16) years of age or older and less than eighteen (18) years of age may be employed the same daily and weekly hours and at the same times of day as adults if they fit into any one (1) of the following categories:

(1) They are a high school graduate.

(2) They have completed an approved vocational or special education program.

(3) They are not enrolled in a regular school term.

SECTION 10. IC 20-8.1-4-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 32. (a) An employment certificate issued under this chapter may be revoked by the issuing officer if the issuing officer determines that there has been a significant decrease in any of the following since the issuance of the permit:

(1) The student's grade point average.

(2) The student's attendance at school.

(b) A student whose employment certificate is revoked under subsection (a) is entitled to a periodic review of the student's grade record or attendance record, or both, to determine whether the revocation should continue. A periodic review may not be conducted less than one (1) time each school year.

(c) If upon review the issuing officer determines that the student's grade point average or attendance, or both, have improved substantially, the issuing officer may, **with parental consent**, reissue an employment certificate to the student.

(d) **With parental consent**, a student may appeal the revocation of an employment certificate under subsection (a) or the refusal to reissue an employment certificate under subsection (c) to the school principal.



1 (e) An issuing officer who revokes an employment certificate shall
2 immediately send written notice of the revocation to the child's
3 employer **and the child's parent, or both parents in the case of a**
4 **child whose parents have joint legal custody under IC 31-9-2-67.**

5 (f) **If requested by a child's parent, or both parents of a child**
6 **whose parents have joint legal custody under IC 31-9-2-67, to**
7 **revoke the child's employment certificate, the issuing officer must**
8 **revoke the child's employment certificate.**

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